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*Attorney for Plaintiff/Counterclaim Defendant
City of Fort Collins*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

CITY OF FORT COLLINS,

Plaintiff/Counterclaim Defendant,

v.

OPEN INTERNATIONAL, LLC,

Defendant/Counterclaim Plaintiff,

OPEN INVESTMENTS, LLC,

Defendant.

Civ. No. 3:25-mc-155

APPLICATION FOR WRIT OF
GARNISHMENT

Pursuant to Federal Rule of Civil Procedure 64(a) & (b), Plaintiff City of Fort Collins (the “City”) apply to this Court for issuance of a writ of garnishment to be served on Tualatin Valley Water District, as garnishee. This application is based on the following facts:

1. The City has a judgment that is wholly unsatisfied against Defendant Open International, LLC, issued by the United States District Court of Colorado on March 28, 2024. The

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judgment was registered by the United States District Court of Oregon on February 4, 2025.

Attached as Exhibit A is a copy of the certified judgment.

2. The amount of the certified judgment is as follows:

\$12,245,881 in project costs; \$578,280 in third-party consulting costs; and \$7,067,286 in labor costs, for a total principal amount of \$19,891,447. The Court also awarded post-judgment interest accruing at an interest rate of 5.02%, beginning on March 26, 2024.

3. The certified judgment is wholly unsatisfied.

4. The City has reason to believe that the Tualatin Valley Water District, whose business is located at TVWD Headquarters 1850 SW 170th Ave Beaverton, OR 97003, has monetary obligations owed to the judgment debtor, Open International, LLC, that are due or will become due, and that are not exempted from garnishment by any state or federal law.

5. The garnishee is not the employer of the Open International, LLC.

6. Pursuant to O.R.S. § 18.607, attached hereto is the proposed Writ of Garnishment (Exhibit B), Garnishee Response (Exhibit C), Debt Calculation (Exhibit D), and Challenge to Garnishment (Exhibit E).

CERTIFICATION

I CERTIFY under penalty of perjury under the laws of the State of Washington and Oregon that the foregoing is true and correct.

DATED this 20th day of February, 2025.

/s/ Benjamin D. Greenberg
Benjamin D. Greenberg, OSB # 182745
DORSEY & WHITNEY, LLP

*Attorney for Plaintiff/Counterclaim
Defendant City of Fort Collins*

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CERTIFICATE OF SERVICE

This will certify that on February 20, 2025, I caused the foregoing Application for Writ of Garnishment to be electronically filed with the Clerk of the Court using the CM/ECF system. This certifies that the foregoing document was served via CM/ECF electronic mail on all registered users.

Dated this 20th day of February, 2025, at Seattle, Washington.

/s/ Benjamin D. Greenberg

Benjamin D. Greenberg, OSB # 182745
DORSEY & WHITNEY, LLP

*Attorney for Plaintiff/Counterclaim
Defendant City of Fort Collins*